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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/828,613

04/06/2001

Colin Hendrick

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3084

7590

05/21/2004

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EXAMINER

ST CYR, DANIEL

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/828,613

Applicant(s)

COLIN HENDRICK

Examiner

Daniel St.Cyr

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30,32-38,40-45 and 47-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30,32-38,40-45 and 47-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. Acknowledgment is made of applicant's amendment filed 12/15/03 in which claims 30, 32, 34, 38, 40, 41, 44, 47, and 48 were amended and claims 31, 39, and 46 were cancelled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 30, 32-38, 40-45, 47-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al, US Patent No. 6,226,744, in view of Benson et al, US Patent No. 6,308,886.

Murphy et al disclose a method and apparatus for authenticating users on a network using a smart card comprising: a Certified Authority (CA) distributes smart card 10 to a user, the smart card 10 stores user information provided by the CA, such as tokens, digital signatures, certificates, tickets, PIN, human resources identification number, and so forth, or personal information provided by the user such as a social security number, birth date, mother's maiden name, etc., the smart card 10 also performs data encryption and decryption functions, stores DES secret keys and digital certificates, and will generate and store public and private RSA cryptographic key pairs, the smart card 10 has an on-board math co-processor that performs the key generation and encryption/decryption calculations; a smart card reader 12; a client computer 14 uses a web browser to access secure gateway server 18 via WWW 16, the secure gateway server 18 initiates authentication of the user of smart card 10 using authentication module 32. Authentication module 32 determines whether smart card 10 is present in client terminal 14; a

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smart card interface module for requesting a PIN to access smart card 10; a database 26 for storing the authentication information, the authentication information from database 26, authentication module 32 compares both sets of information, if they match the authentication module 32 grants the user access to the restricted information. (see figure 3; col. 5, lines 52+).

Murphy et al fail to disclose or fairly suggest that upon initial use of the card the user is prompted to initiate the data card by inputting the authentication information and the personal information into the processor for storage on the data card.

Benson et al disclose a terminal for issuing and processing data bearing documents comprising: a control computer 266, wherein an operator instructs the computer to activate a PINpad PP for receiving a selected input or PIN on a keyboard KP, the PIN is selected during the initial used wherein the selected PIN is stored in the card (see col. 16, lines 38-64).

In view of Benson et al's teachings, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify the system of Murphy et al so that operators (users) could selected their own PIN. Such modification would make the system more secured wherein users could customized in ways to prevent unauthorized individuals from decoding the secret PIN. Furthermore, such modification would eliminate the possibility of someone intercepting the PIN during the transmission to the users. Such modification would have been an obvious extension as taught by Murphy et al.

Response to Arguments

4. Applicant's arguments with respect to claims 30, 32-38, 40-45, 47-50 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

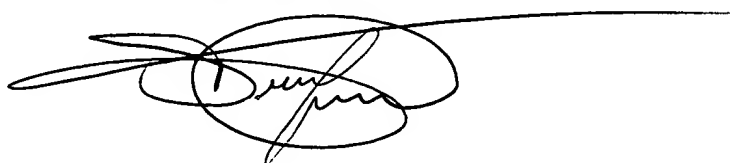
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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 571-272-2407. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel St.Cyr
Primary Examiner
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A handwritten signature in black ink, appearing to read 'Daniel St.Cyr', is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the right.

DS
May 10, 2004